

## **REMARKS**

### **Objections**

#### ***Objections to the Drawings under 37 C.F.R. § 1.83(a)***

The Examiner has objected to the drawings, stating that the drawings did not show the claimed limitations of "numerical values representing confidence in the corresponding fuzzy relationship" and "modifying the numerical value representing the confidence in response to changes in the parameter as the multimedia sequence progresses."

With regard to the first limitation, Applicant respectfully directs the Examiner's attention to the originally filed Figure 1, which shows a relationship between two nodes. One of the nodes is labeled "fruit" and the other is labeled "ripe." The edge connecting the nodes is labeled "Fuzzy relation: 0 is not very ripe, 1 is very ripe," which illustrates that the edge is assigned a numerical value ranging from 0 to 1 depending on the ripeness of the fruit. If the fruit is not a member of the ripe-fruit relationship because it is not very ripe, the edge is assigned the value 0. If the fruit is a member of the ripe-fruit relationship because it is fully ripe, the edge is assigned the value 1. If the fruit is somewhere between not very ripe and very ripe, the edge is assigned a value between 0 and 1, which indicates the fruit's membership in the ripe-fruit relationship is fuzzy. Thus, the values on the edge indicate the strength or confidence of fruit as a member of the ripe-fruit relationship.

With regard to the second limitation, Applicant respectfully reminds the Examiner that only those features of the invention that can be illustrated must be shown [MPEP 608.02]. The originally filed Figure 2 illustrates that the value of the edge of Figure 1 can be set through parameterization. However, Applicant respectfully submits that changes in the value of the edge parameter caused, for example, by the ripening of the fruit over time are not amenable to illustration.

Accordingly, Applicant respectfully requests the withdrawal of the objection to the drawings under 37 C.F.R. § 1.83.

## **Rejections**

### ***Rejections under 35 U.S.C. § 112, first paragraph***

#### **Claims 1-2, 4-6, 8-11, 13-20 and 22-26**

Claims 1-2, 4-6, 8-11, 13-20 and 22-26 stand rejected under the first paragraph of 35 U.S.C. § 112 for insufficiency of the written description. The Examiner particularly pointed to the claimed limitations of "numerical values representing confidence in the corresponding fuzzy relationship" and "modifying the numerical value representing the confidence in response to changes in the parameter as the multimedia sequence progresses" as being unsupported by the specification.

Applicant respectfully submits that the first limitation is supported on page 3, line 17-22 of specification as originally filed. With regard to the second limitation, Applicant respectfully submits that Applicant responded to an identical §112 rejection in the RCE filed July 21, 2004. Applicant reiterates that support for this limitation can be found on page 3, lines 29-34 and page 4, lines 8-22 of the specification as originally filed. The Examiner has not stated why Applicant's arguments were considered insufficient to overcome the previous § 112, ¶ 1 rejection.

Furthermore, Applicant respectfully points out to the Examiner that according to MPEP 2163.04, the Examiner bears the burden of making a *prima facie* case for a §112, ¶ 1 rejection by providing reasons why a person skilled in the art would not be able to recognize that the inventor had possession of the invention as claimed based on the specification. In addition, MPEP 2153.04 requires the burden be met through a preponderance of the evidence. However, the Examiner has provided no reasons or evidence to support his rejection. In particular, the Examiner has not responded to Applicant's previous arguments that the second limitation is supported. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1-2, 4-6, 8-11, 13-20 and 22-26 under the first paragraph of 35 U.S.C. §112.

### ***Rejections under 35 U.S.C. § 102***

#### **Claims 1-2, 4-6, 8-11, 13-15, 17, 20, 22-24 and 26**

Claims 1-2, 4-6, 8-11, 13-15, 17, 20, 22-24 and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,652,880. Applicant respectfully submits that the Examiner asserted Seagraves under 25 U.S.C. § 102(b) in the first Office Action

on August 27, 2003, but withdrew the rejection in response to Applicant's claim amendments filed November 26, 2003, which added a fuzzy relationship (relation) in the body of the independent claims. The Examiner made the next Office Action (April 24, 2004) final, stating Applicant's amendments required new grounds of rejection. The new grounds of rejection asserted that Goke et al. (U.S. Patent 5,720,005) disclosed the claimed fuzzy relationships. Thus, in withdrawing the Seagraves reference in favor of Goke, the Examiner acquiesced to Applicant's argument that Seagraves does not disclose Applicant's claimed fuzzy relationships.

In the present Office Action, the Examiner is interpreting the claims as if the amendments of November 26 had not been entered. However, the Examiner has never objected to the fuzzy relationship limitation itself, and indeed relied on the addition of the element to make the April 24<sup>th</sup> Office Action final. Therefore, the claims must be interpreted as reciting the fuzzy relationship element.

Because the Examiner has effectively admitted that Seagraves does not disclose fuzzy relationships, Seagraves cannot be properly interpreted as anticipating Applicant's invention. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1-2, 4-6, 8-11, 13-15, 17, 20, 22-24 and 26 under 35 U.S.C. §102 over Seagraves.

#### **Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 16 and 25 contain allowable subject matter. Because Applicant believes all the claims are patentable, Applicant has not amended claims 16 and 25 in this response.

#### **SUMMARY**

Claims 1-2, 4-6, 8-11, 13-20 and 22-26 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-3476.

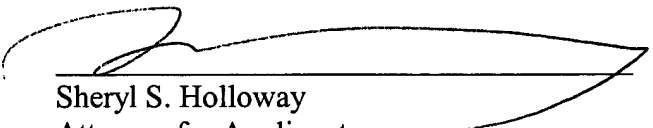
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

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